

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JAMES PHILLIP WALDRON,	§	
Plaintiff,	§	
	§	CIVIL NO. 4:22-cv-00317-ALM
v.	§	
	§	
AT&T, INC.,	§	
Defendant	§	

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PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION FOR JOINDER OR IN THE  
ALTERNATIVE TO DISMISS UNDER RULE 12(B)(7) AND UNOPPOSED MOTION  
FOR TEN (10) DAYS TO AMEND COMPLAINT

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TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff James Phillip Waldron files this Response to Defendant’s Motion for Joinder or in the Alternative to Dismiss Under Rule 12(b) and Unopposed Motion for Ten (10) Days to Amend Complaint, and would respectfully show the Court as follows:

**I.**

This is a removal case from the 471st District Court, Collin County, Texas. Defendant AT&T filed its Notice of Removal on April 15, 2022 (Doc. 1). Plaintiff filed his federal Complaint on May 31, 2022 (Doc. 10). Intervenor Wm. Charles Bundren filed his unopposed Motion to Intervene on June 13, 2022 (Doc. 14). The Court granted that motion on July 6, 2022 (Doc. 16). Defendant filed its Motion for Joinder or in the Alternative to Dismiss Under Rule 12(b)(6) (“Defendant Motion”) on June 30, 2022 (Doc. 15). This lawsuit seeks to enjoin Defendant AT&T from responding to a subpoena issued by the Select Committee to Investigate the January 6<sup>th</sup> Attack on the United States Capitol (“Committee”) for records of Plaintiff’s cell phone account.

## II.

Although Plaintiff opposed Defendant's Motion, Plaintiff has determined, out of an abundance of caution, to join the Committee and its members as parties in order to avoid the potential dismissal of this lawsuit.

## III.

Plaintiff hereby moves this Court for ten (10) days to file an amended complaint joining the Committee and its members as parties to this action. The Defendant and Intervenor are **unopposed** to this motion. Plaintiff does not oppose the granting of any future motion for extension of time to file a response to the amended complaint or to synchronize the response dates by Defendant, Intervenor, the Committee and its members.

### Prayer

Plaintiff moves for an order granting ten (10) days from the issuance of the order to file an amended complaint adding the Committee and its members as parties to this lawsuit.

Respectfully submitted,

/s/ Karen Cook

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Counsel for Plaintiff

### **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that on July 14, 2022, Plaintiff's counsel conferred via telephone with Defendant's counsel and with intervenor Wm. Charles Bundren regarding the filing of this Motion, and both are unopposed.

By: /s/ Karen Cook  
Karen Cook, Esq.

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 14, 2022, the foregoing document was filed with the Clerk for the United States District Court for the Eastern District of Texas using the CM/ECF electronic filing system, and that service of such filing will be made electronically on all counsel of record.

By: /s/ Karen Cook  
Karen Cook, Esq.